

1905-020 Chancery Causes: Noble Vincent Borgan vs. Sarah Borgan
Lee Co.

Burkhart, Hall

CA - Divorce

To the Honorable H.A.W. Skeen, Judge of the Circuit Court of Lee County, Virginia:

Humbly complaining, your Orator, Noble Vincent Borgan, would respectfully represent and show unto your Honor that on the ____ day of October, 1900, he was married to one Sarah Burkhart, in Lee County, Virginia; that soon after their said marriage your Orator and his said wife the said Sarah began house keeping in a home provided by your Orator, and lived together as husband and wife until the ____ day of February, 1902; that during the time they so lived together your Orator provided for the said Sarah a home which was as comfortable as his means would permit; and that during all of said time he treated her with kindness and respect, and used all his efforts to make her life with him comfortable, pleasant and attractive.

Your Orator will now further show your Honor that during the latter part of the time when he and the said Sarah were living together, she seem^d to become dissatisfied, for reasons which were unknown to your Orator, and on the said ____ day of February, 1902, she, the said Sarah, deserted and abandoned your Orator, left their home^d went back to her father's home to reside. After the said Sarah had so left and deserted your Orator, he went more than once to visit her and to beg her to return and live with him, but each and every time she refused to return, and told your Orator plainly that she would never live with him again; and she has continued to live with her father and mother, and has, without cause, and against the will and consent of your Orator, abandoned and deserted him, and this abandonment and desertion has continued for a period of more than three years prior to the institution of this suit.

Your orator will now show your Honor that he and the said Sarah Borgan nee Burkhart, were at the time of their said marriage, residents of Lee County, Virginia; that they last cohabited together in said County of Lee, and that they have been, ever since the date of their said marriage both domiciled in said County of Lee, in the State of Virginia.

The object, therefore, of this bill is to obtained for your orator from his said wife, the said Sarah Borgan, a divorce a vinculo matrimonii.

The prayer of your Orator is that the said Sarah Burgan, be made party defendant to this bill; that she be required to answer the same, but not under oath, as answer under oath is expressly waived; that on a hearing of this cause that a decree be rendered by your Honor granting a divorce a vinculo matrimonii, dissolving and annulling the bonds of matrimony existing between your Orator and the said Sarah Burgan; and for full general relief.

And your orator will ever pray &c. May spa. issue &c.

Duncan + Cridler p. q.

Noble Vincent Burgan
vs. { Bill in Chy.
Sarah Burgan

Filed Mar. 16, 1905.

H. C. Ewing, Clerk.
By M. E. Hawary, D.C.
1905. 2nd Mar. Rules -
Bill filed, Sp. ex
accepted.
" 1st Apr. Rules -
Cause set for
hearing.

Costs:
Clerk \$3.30
Shff. .50
Comm. .75
Wit. .50
Atty. 15.00
Tax \$20.05
\$21.55
1900 to 10
B.

Noble Vincent Burgan - - - - - Plaintiff.

vs. In Chancery.

Sarah Burgan - - - - - Defendant.

This cause came on this day to be heard upon the bill of the plaintiff, and the depositions of witnesses and was argued by counsel.

And it appearing to the Court that process in this cause has been served on the defendant Sarah Burgan, by the proper officer, for more than fifteen days before the first day of this term of the Court, and that she has failed to plead, answer or demur, and it further appearing from the evidence that the defendant abandoned and deserted the plaintiff more than three years before the institution of this suit, and has since constantly refused to live and cohabit with the plaintiff, it is therefore adjudged, ordered and decree that the bonds of matrimony now and heretofore existing between the said Noble Vincent Burgan and the said Sarah Burgan, be and the same are hereby dissolved, and the said plaintiff aforesaid is hereby granted a divorce a vinculo matrimonii from the said defendant.

And it is further adjudged ordered and decreed that the plaintiff recover from the defendant his costs in this suit expended.

And there appearing nothing further to be done in the cause the same is stricken from the docket.

Noble Vincent Burgau
vs. { In Chancery
Sarah Burgau

Dece final

Entered in C.B.
No. 8. Page 16—

Enter this decree
J. A. W. Stone
May 15, 1905.

To Sarah Burgan:

Take notice, that on the 15th day of April, 1905, at the office of C.T.Duncan, in the town of Jonesville, Lee County, Virginia, between the hours of 6 A.M. and 6 P.M., of that day, I shall proceed to take the depositions of Noble Vincent Burgan, Mary Burgan and others, which depositions are intended to be read as evidence in my behalf in a certain suit in equity, depending in the Circuit Court of Lee County, Virginia, in which I am plaintiff, and you are defendant; and if from any cause the taking of said depositions be not commenced on that day, or if commenced they be not completed on that day, the taking of the said depositions will be adjourned and continued from time to time, and from place to place, or at the same place, and between the same hours, until they are completed.

Respectfully

NOBLE VINCENT BURGAN,

By Counsel.

Duncan & Cridler Attorneys.

Noble Vincent Burgan
vs. { In Chy.
Sarah Burgan

Notice to Take Depositions

Executed by deliver-
ing a true copy
of the within notice
to Sarah Burgan -
This Apr. 14, 1905 -
P. M. Ball Sec.

The depositions of Noble Vincent Burgan and other taken before me ^{J.W. Orr} ~~J.W. Orr~~, A Commissioner in Chancery for the Circuit Court of Lee County, Virginia, at the office of Geo.P.Cridlin, and C.T. Duncan, in the town of Jonesville, on the 15th day of April, 1905, pursuant to notice hereto attached, which depositions are intended to be read as evidence in behalf of the plaintiff in a certain suit in Chancery now pending in the Circuit Court of Lee County in which the said Vincent Burgan is plaintiff and Sarah Burgan is defendant.

Present Geo.P.Cridlin, of counsel for plaintiff:

Noble Vincent Burgan, a witness of lawful age being duly sworn deposes as follows:

Q.1.-- Please state your age, occupation and place of residence and state where ^{there} or not you are the plaintiff in this suit.

A.-- I am 21 years old, am working on railroad now, live at Hubbard Springs in Lee County. Va., I am plaintiff in this suit.

Q.2.-- How long have you been a resident of Virginia?

A.-- I was raised near Hubbard Springs and have had my residence at or near that place all my life.

Q.3.-- If you are the husband of Sarah Burgan, nee Burkhardt, please state when and where you were married to her.

A.-- I am the husband of Sarah Burgan, I was married to her near Hubbard Springs in Lee County, Va., in October, 1900.

Q.4.-- Are you now living with said Sarah Burgan, if you say you are not please state why, where she now lives and every thing connected with the separation?

A.-- We are not now living together. She is now living with her mother. We lived together as husband and wife after our marriage for some time, and she seemed to be very well contented, Until one day, in February, three years ago last February, I was away at work, and when I came home at night she was gone, and I was informed that her mother had been there and that she had gone home with her. The next day I went to her mother's home to find her and found her there, I asked her to go back home with me, but she refused to do so, and said that she would never live with me any more. I went back as high as a half-dozen times and begged her to come back and live with me, but she refused every time saying that she would never live with me again. The first time that I went my mother, Mary Burgan, and Sallie Hall were with me the first time I went and tried to get her to come home. She never has lived with me since

she deserted and abandoned me in February, 1902, which was more than three years before the institution of this suit.

Q.5.-- Please state when and where you and your said wife last cohabited together?

A.-- We last lived and cohabited together along about the 1st of February, 1902, near Hubbard Springs in Lee County, Virginia.

Q.6.-- Where has the said Sarah Burgan been domiciled for the year next preceeding the institution of this suit, and where does she now live.

A.-- She has been domiciled in Lee County, Virginia, for a number of years, and now lives near Hubbard Springs, Lee County, with her mother.

Q.7.-- Please state whether or not you treated the said Sarah Burgan kindly, and provided for her in a proper manner as your wife, and whether or not you gave her any reason for deserting and abandoning you, and state whether or not she abandoned you against your will and without your consent.

A.-- I did treat her kindly at all times, and provided for the very best I was able. She had no reason for deserting me that I know of. She did not leave with my consent, but went against my will, and I did everything I could to get her to come back and live with me.

And further this deponent saith not.

Noble Vincent Burgan

Mary Burgan another witness of lawful age, being duly sworn deposes as follows:

Q.1.-- Please state your, age and place of residence.

A.-- I am about 50 years old, reside near Hubbard Spring in Lee County, Virginia.

Q.2.-- Do you know the plaintiff Noble Vincent Burgan and the defendant Sarah Burgan, if so state how long you have known them and what relation if any you bear to them.

A.-- I do know them. Vincent Burgan, the plaintiff is my son, I have known the defendant every since she and Vincent were married.

Q.3.-- Do the said Noble Vincent Burgan and the said Sarah Burgan now live together, if not please state how long they have been separated.

A.-- They are not now living together. They have been apart three years last February. They lived together something like two years after they were married, I don't remember just how long.

Q.4.-- Tell what you know if anything about the said Sarah Borgan leaving home and deserting her husband?

A.-- I went there to her house the day she left, and she was already gone. I did not see her leave. I was informed that she had gone away with her mother.

Q.5.-- Please state any thing you may know about your son going and asking her to return and live with him. State all that happened?

A.-- Vincent asked her if she would go back home with him if he would get a buggy and take her, and she told him that she would not, that she did not intend to live with him any more. She was then at her mother's house.

Q.6.-- Please state whether or not the said Noble Vincent Borgan and his said wife Sarah Borgan have lived together since that time, and if they have not state where the said Sarah has lived?

A.-- They have not lived together since that. She has lived with her mother ever since. She left him three years ago last February and has not lived with him a single day since.

Q.7.-- State where the said Sarah has been domiciled for the last year next preceeding the institution of this suit, and also please state where the said Noble Vincent Borgan and the said Sarah Borgan last cohabited together.

A.-- Sarah Borgan has been domiciled in Lee County Virginia, for more than one years before the institution of this suit. She and her said husband last lived together in this County.

Q.8.-- State whether or not the said Noble Vincent Borgan was kind to his wife and whether or not he provided for her well while they lived together?

A.-- He was just as good to her as he could be so far as I could see and provided for her well. So far as I have been able to see she had no reason in the world for leaving him.

And further this deponent saith not.

Mary X Borgan
Junk

Sallie Hall, another witness of lawful age, being duly sworn deposes as follows:

Q.1.-- Please state your age, and place of residence.

A.-- I am 21 years old, live at Hubbard Springs, Lee County, Virginia.

Q.2.-- Are you acquainted with Noble Vincent Burgan and his wife Sarah Burgan, if so how long have you known them.

A.-- I am acquainted with said parties. I have known him all his life, and have known her since about a year before she was married to Mr. Burgan.

Q.3.-- Are said Noble Vincent Burgan and his said wife the said Sarah Burgan now living together, and if you say they are not please state anything you may know about their separation, and where they have since lived.

A.-- They are not now living together. I heard that she had left him, and the next day after she left, I went with Mr. Burgan and his mother to the home of Sarah Burgan's mother, and there Vincent Burgan tried to get Sarah to come home with him, but she would not go. She said she never intended to live with him, and she never has lived with him since that time. She has been living there with her mother ever since, and is there now. Her mother lives near Hubbard Springs in Lee County, Virginia. She left him three years ago last February as I remember it.

Q.4.-- State where said Noble Vincent Burgan and his said wife lived together last.

A.-- They lived together in Lee County last.

Q.5.-- Were you about the home of the said Noble Vincent Burgan and his wife while they were living together, and if so did you observe his treatment of her. State what you observed, if anything.

A.-- I was there some times, and he seemed always to be just as good to her as he could be. I do not know, nor never heard of any reason for her leaving him.

And further this deponent saith not.

Sallie Hall

Virginia, Lee County, to-wit:

I, J. W. On
~~J. M. On~~, a Commissioner in Chancery for the Circuit
Court of Lee County, Virginia, do certify that the foregoing de-
positions of Noble Vincent Burgan, Mary Burgan and Sallie Hall,
were taken, subscribed and sworn to before me at the time, place
and for the purpose in the caption mentioned.

Given under my hand this the 15th day of April, 1905.

James W. On
Commissioner in Chancery.

Cause's Fee. 75cts Paid.

Noble Vincent Burgan
vs. { In Chy.

Sarah Burgan

Depositions of Cost

N. V. Burgan

Mary Burgan

Sally Burgan .50 paid

Court fee

75¢ paid

Filed Apr. 15, 1905

H. C. Leving Atty.

By W. B. Hawley Atty.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon

Sarah Burgan

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be held for the said court, on
the *3rd* Monday in *March*, 190*5*, to answer a bill in chancery exhibited against *her*

by

Noble Vincent Burgan

And have then there this writ. Witness, H. C. T. EWING, Clerk of our said Court, at the court-house, the *6th*
day of *March*, 190*5*, and 1-----year of the Commonwealth.

A Copy, Teste:

-----, Clerk.

H. C. T. Ewing, Clerk.
By M. E. Haworth, D.C.

Noble Vincent Burgau

VS

SUBPOENA
IN
CHANCERY.

Sarah Burgau.

Duncan & Bridlin p. q

To 2nd March Rules.

Lee Circuit Court.
1905

Executed by deliver-
ing an attested
office copy of the
within to Sarah
Burgau, Mar. 6, 1905.

J M Grubbs D.S.
for O. M. Ball S.L.C.